### JOINT PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS 69A Hagood Avenue Charleston, South Carolina 29403-5107 and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION Refer to: P/N # 2005-1X-082-C

March 18, 2005

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

PLUM BRANCH, LLC C/O STOKES & COMPANY 4315 PABLO OAKS COURT, SUITE 1 JACKSONVILLE FLORDIA 32224

for a permit to place fill material in waters of the United States in an unnamed tributary of

### STERITT SWAMP

located at the terminus of Gardner Lacy Road, approximately 1.5 miles northeast of its intersection with U.S. Highway 501, Horry County, South Carolina (Latitude 33.79257, Longitude 78.95712)

In order to give all interested parties an opportunity to express their views

#### NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

### 12 O'CLOCK NOON, MONDAY, April 18, 2005

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of placing fill material in 1.48 acres of jurisdictional wetlands and 2.34 acres of non-jurisdictional wetlands for the construction of roads and residential lots. In detail, 0.66 acres of jurisdictional wetlands will be filled for internal road and utility crossings and 0.82 acres of jurisdictional wetlands will be filled to provide an access road to the site within the 100' right-of-way that will be dedicated to Horry County for the expansion of the existing Gardner Lacy Road. In addition, 2.34 acres of non-jurisdictional wetlands will be filled for road construction, lot development, and drainage features. Mitigation for these impacts includes the creation of 0.03 acre of wetland and buffering and preserving the remaining 133.11 acres of jurisdictional and 6.81 acres of non-jurisdictional wetlands. The purpose of the project is to create a mixed-use residential development.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a

March 18, 2005

REGULATORY DIVISION Refer to: P/N # 2005-1X-082-C

written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

U.S. Army Corps of Engineers ATTN: REGULATORY DIVISION 69A Hagood Avenue Charleston, South Carolina 29403-5107.

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the South Carolina Coastal Zone Management Act (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 3.82 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean

REGULATORY DIVISION Refer to: P/N # 2005-1X-082-C

Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

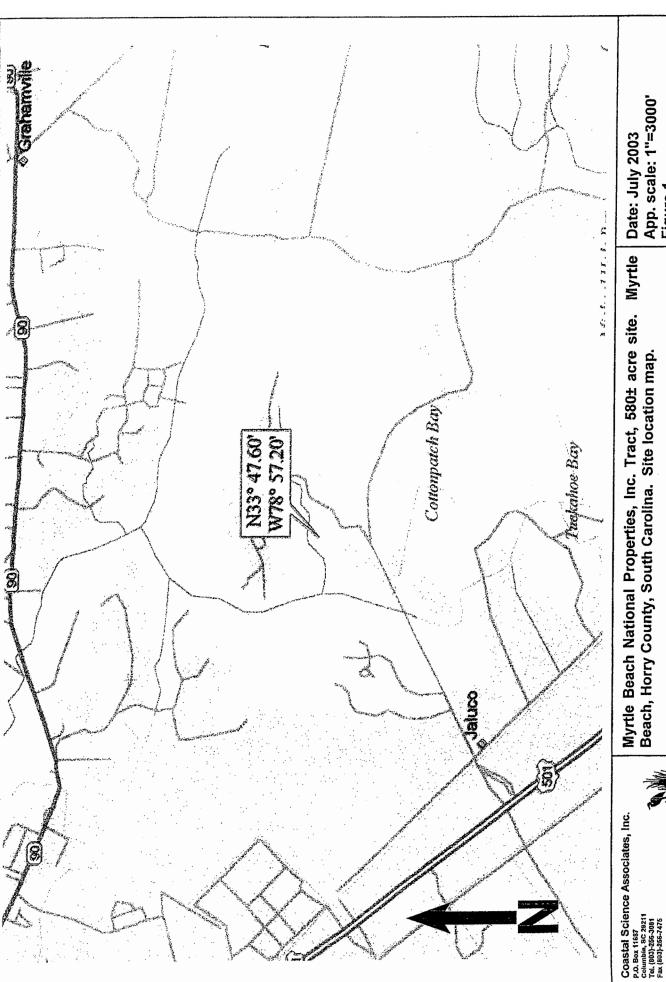
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

Elizabeth Jackson Project Manager Regulatory Division

U.S. Army Corps of Engineers

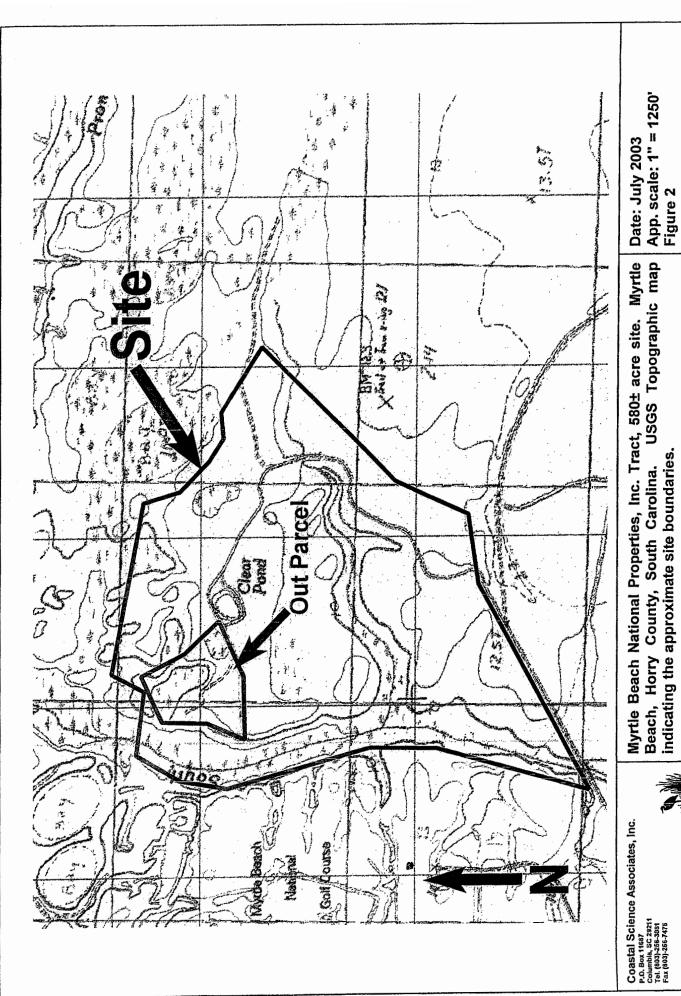
Sade



2005-11-082

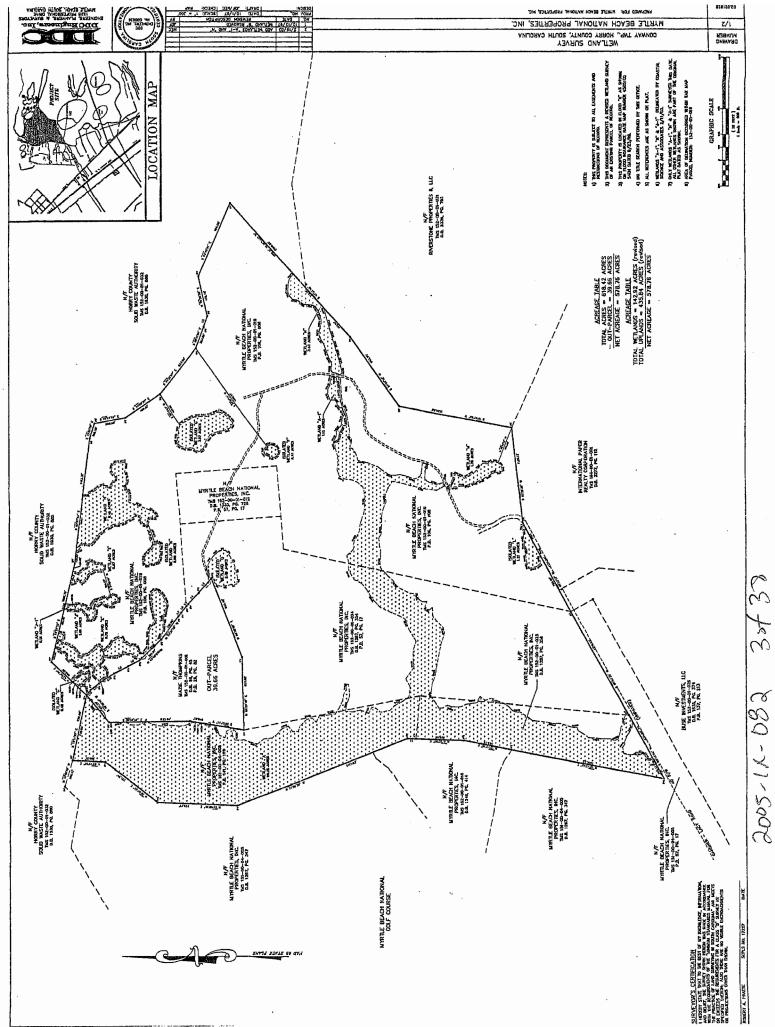
Myrtle Beach National Properties, Inc. Tract, 580± acre site. Beach, Horry County, South Carolina. Site location map.

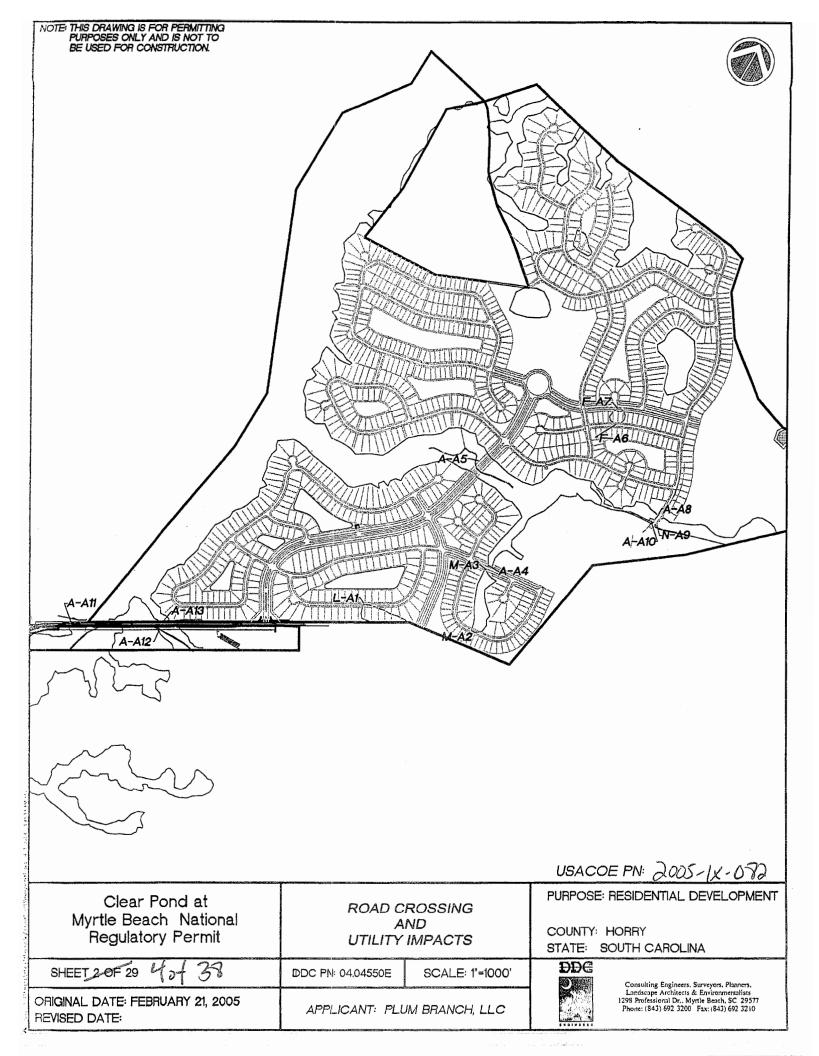
Date: July 2003 App. scale: 1"=3000' Figure 1

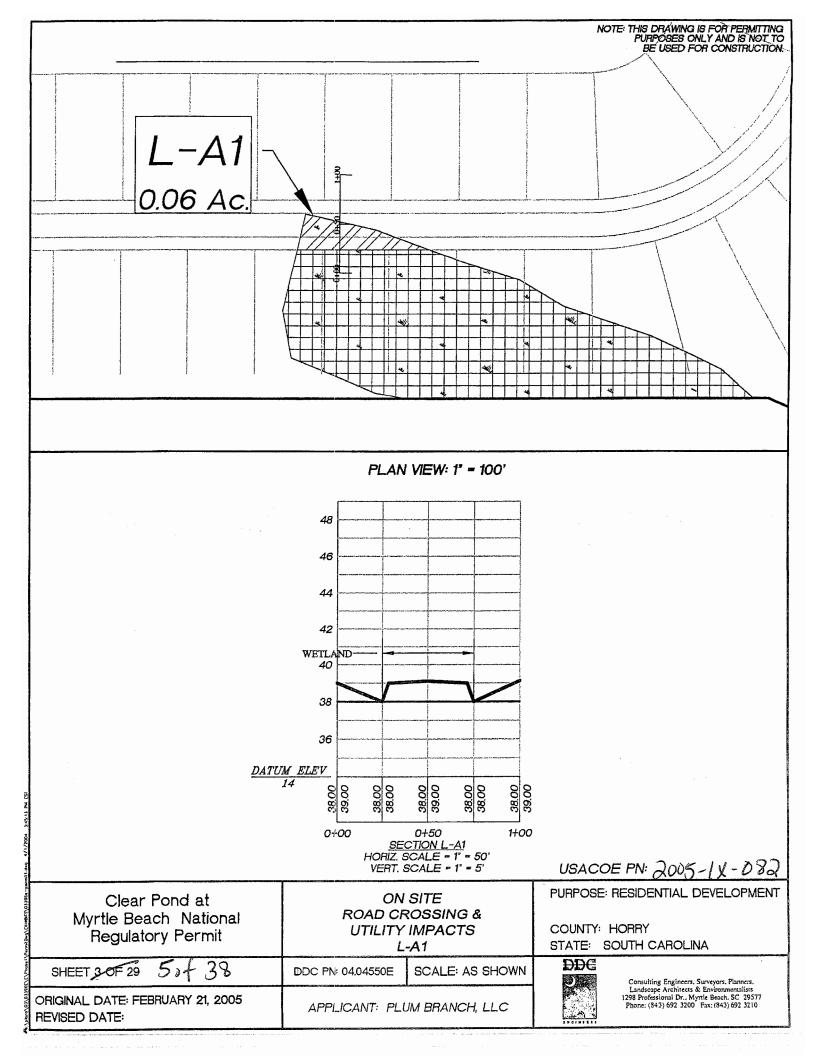


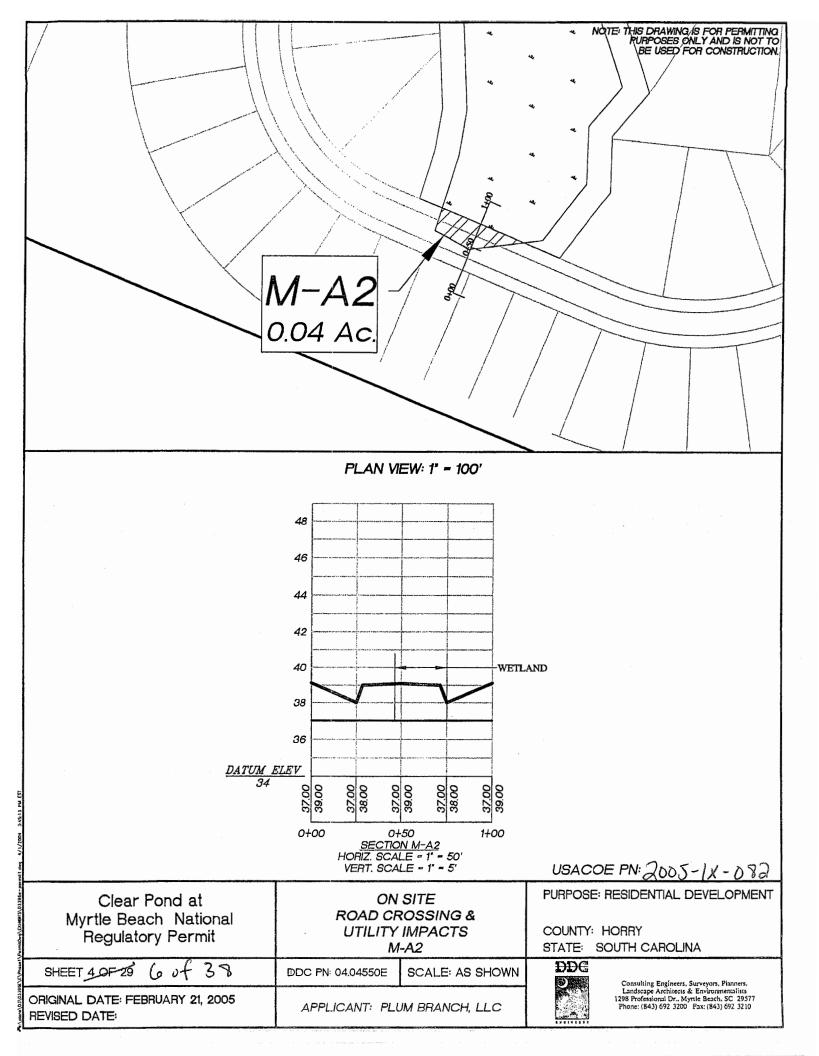
indicating the approximate site boundaries.

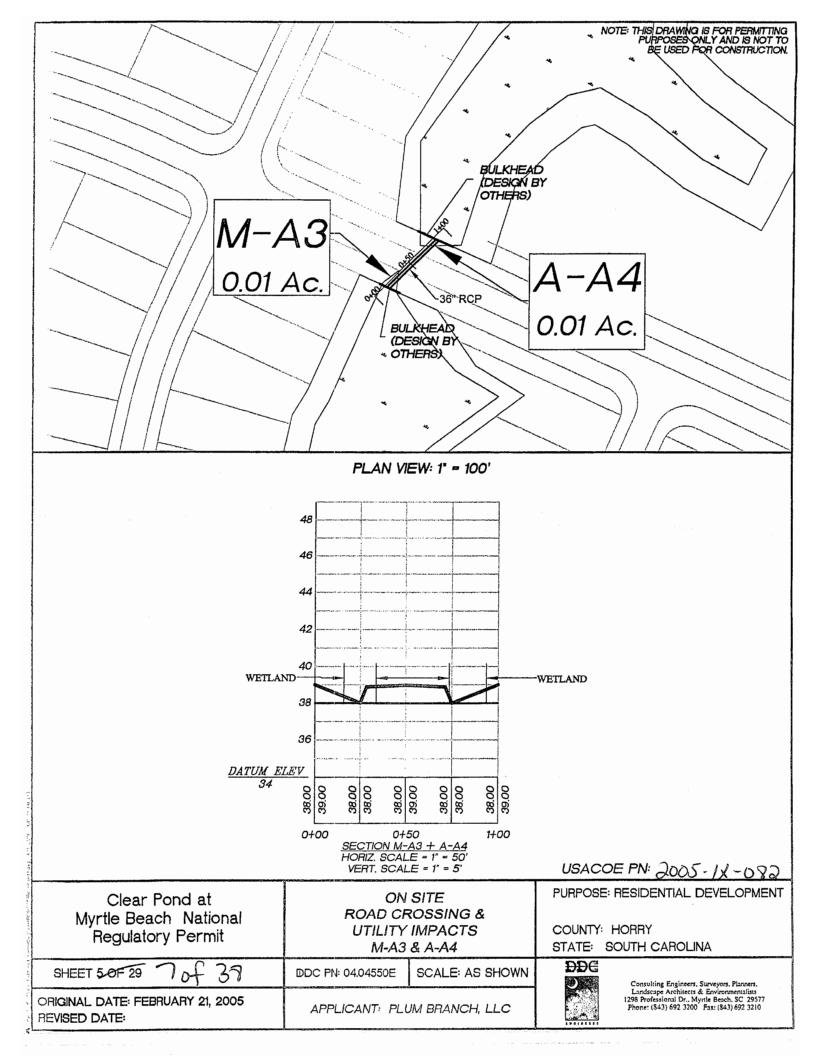
2005-14-082

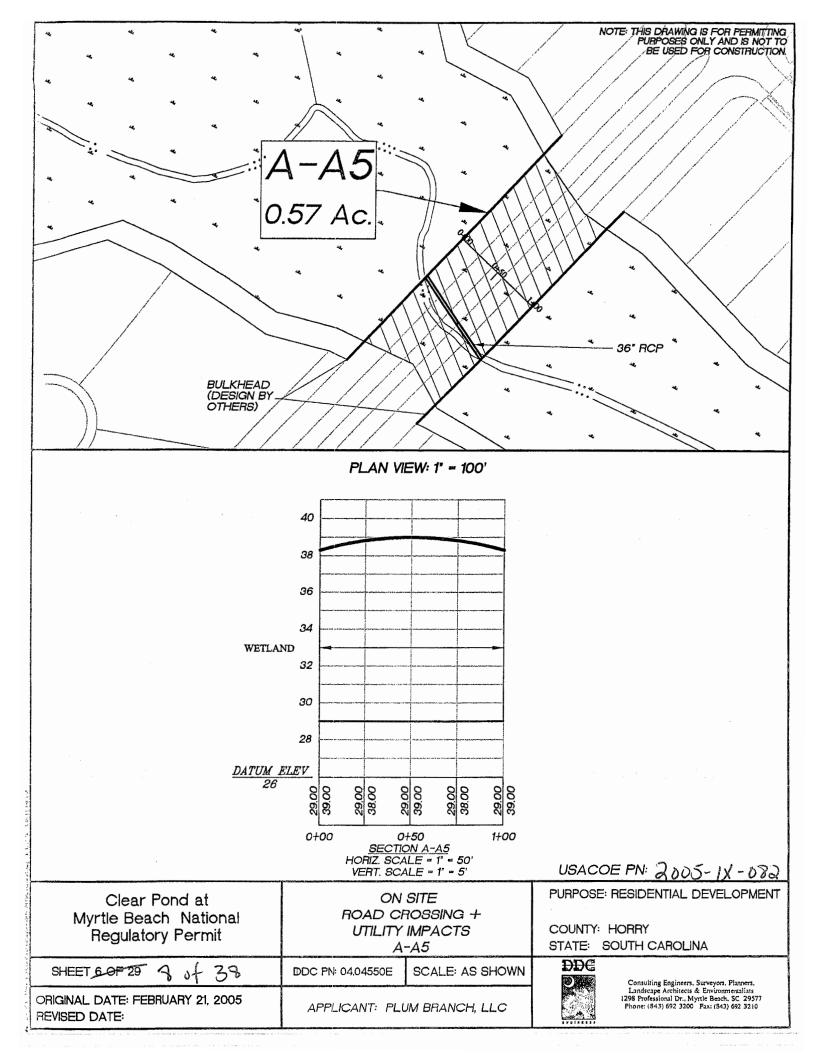


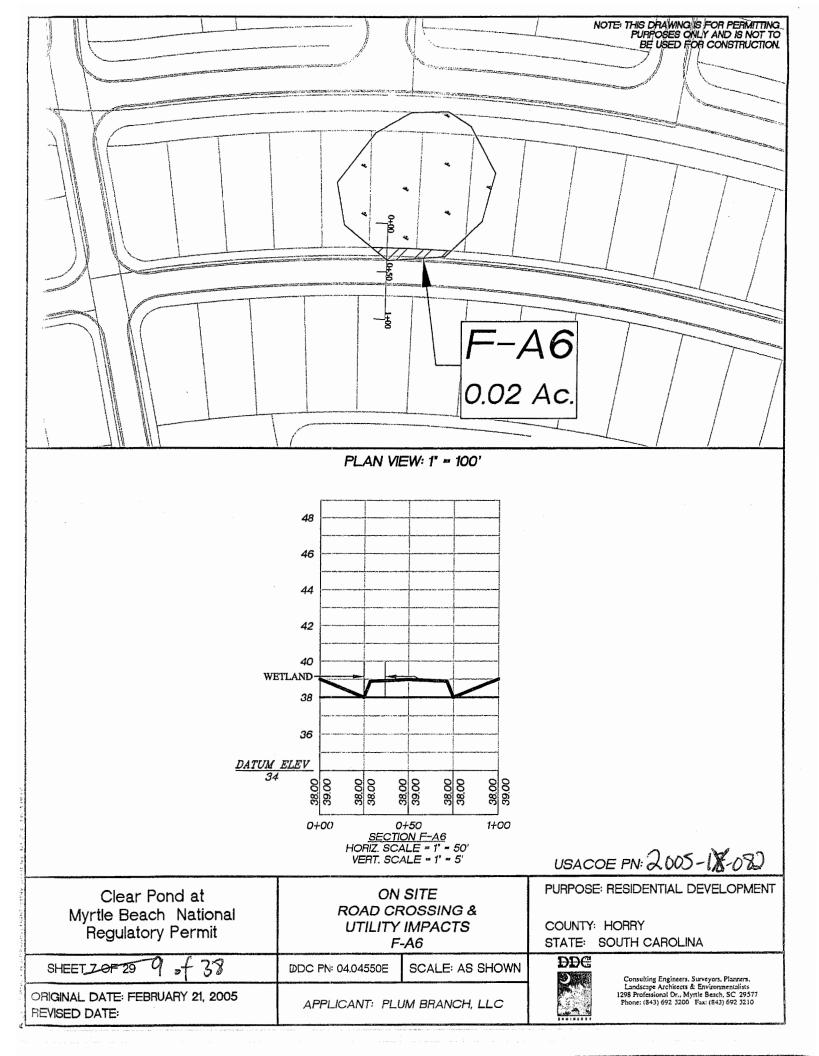


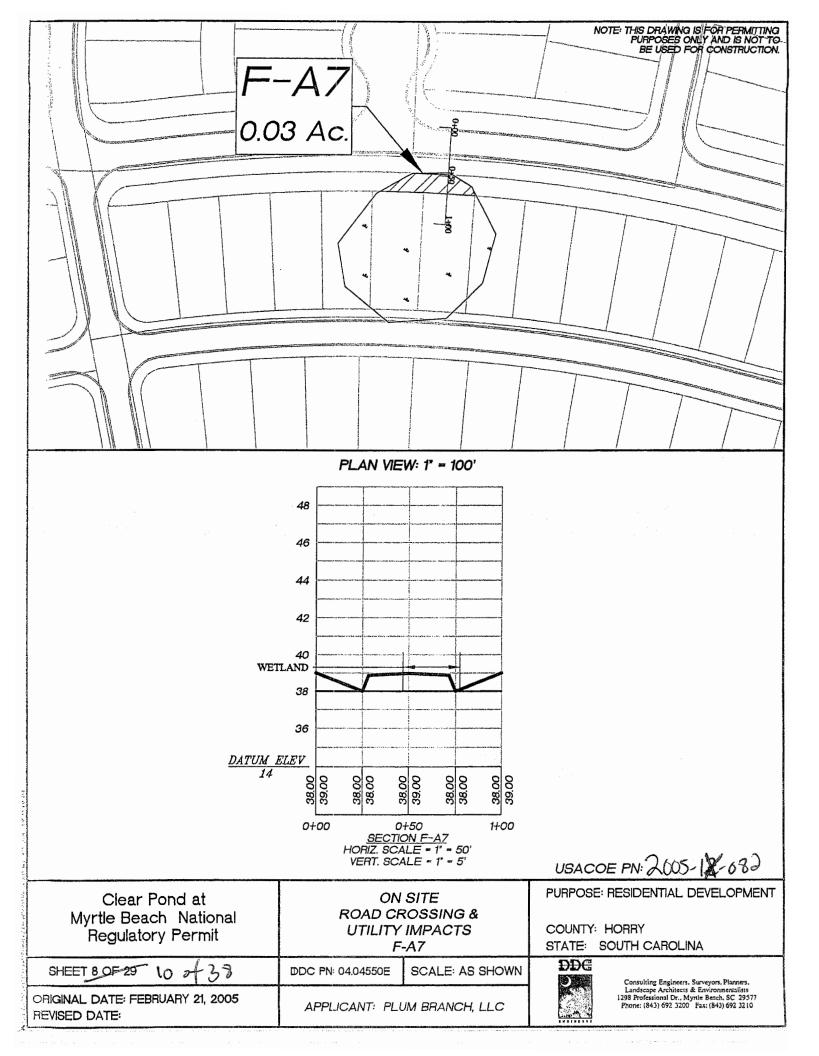


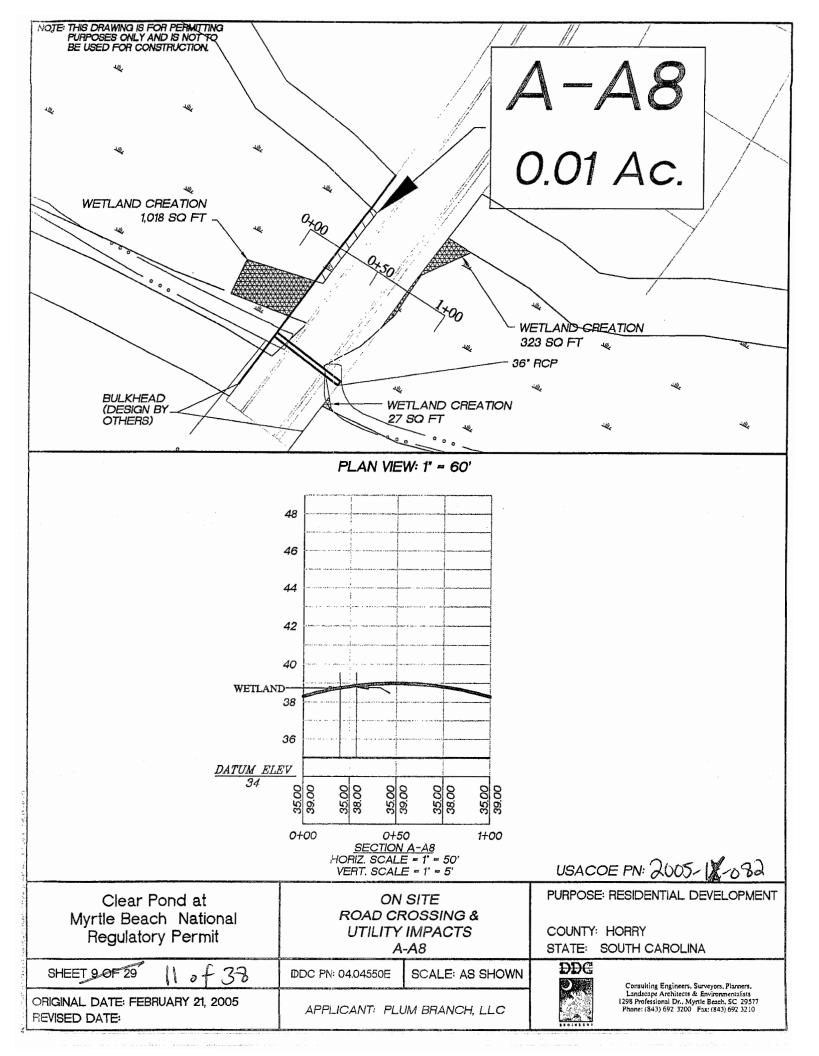


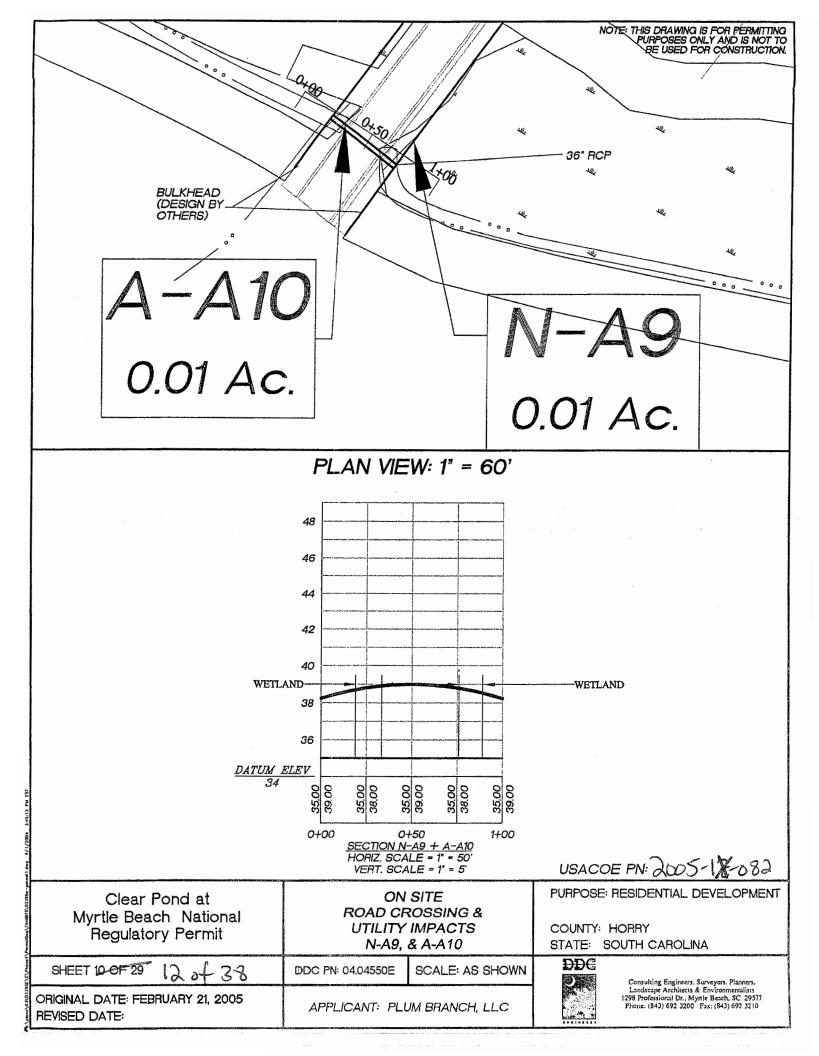


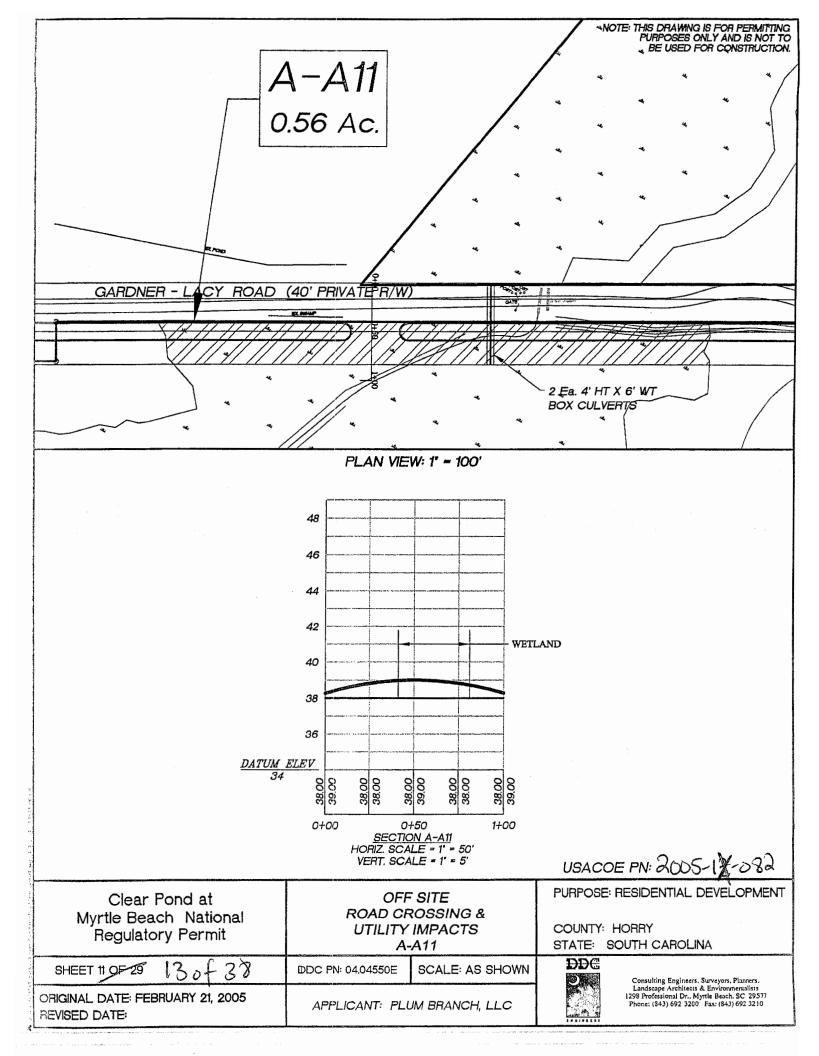


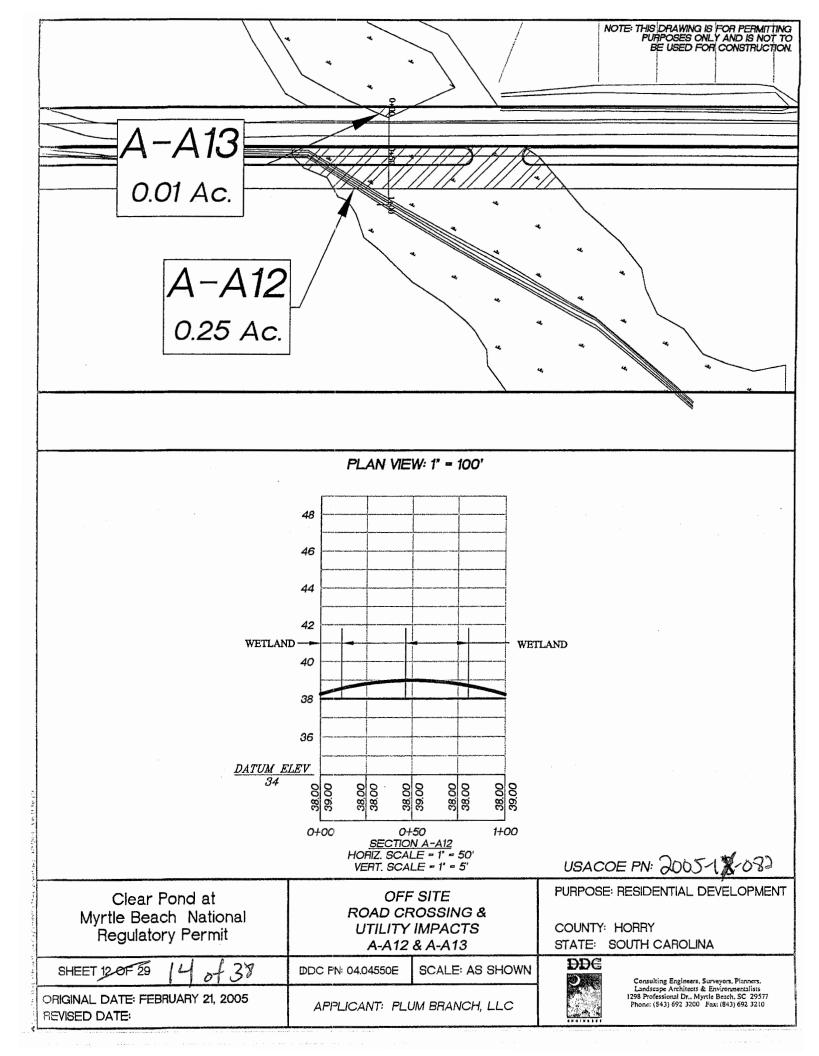


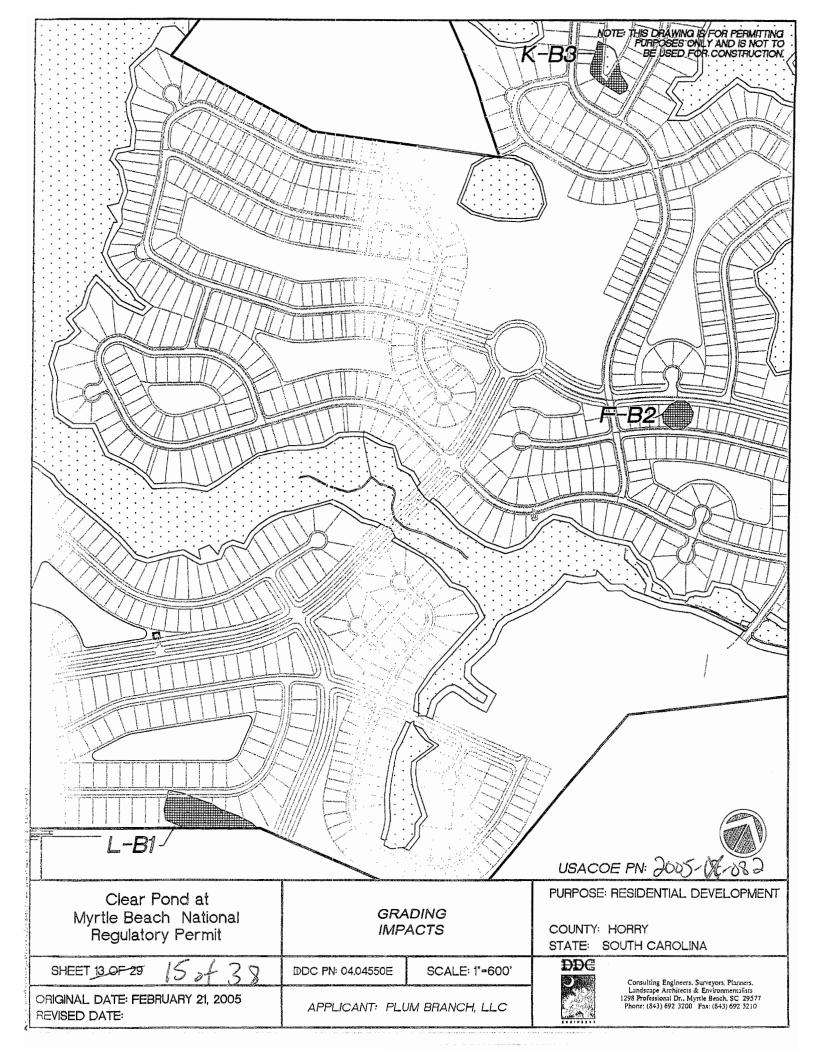


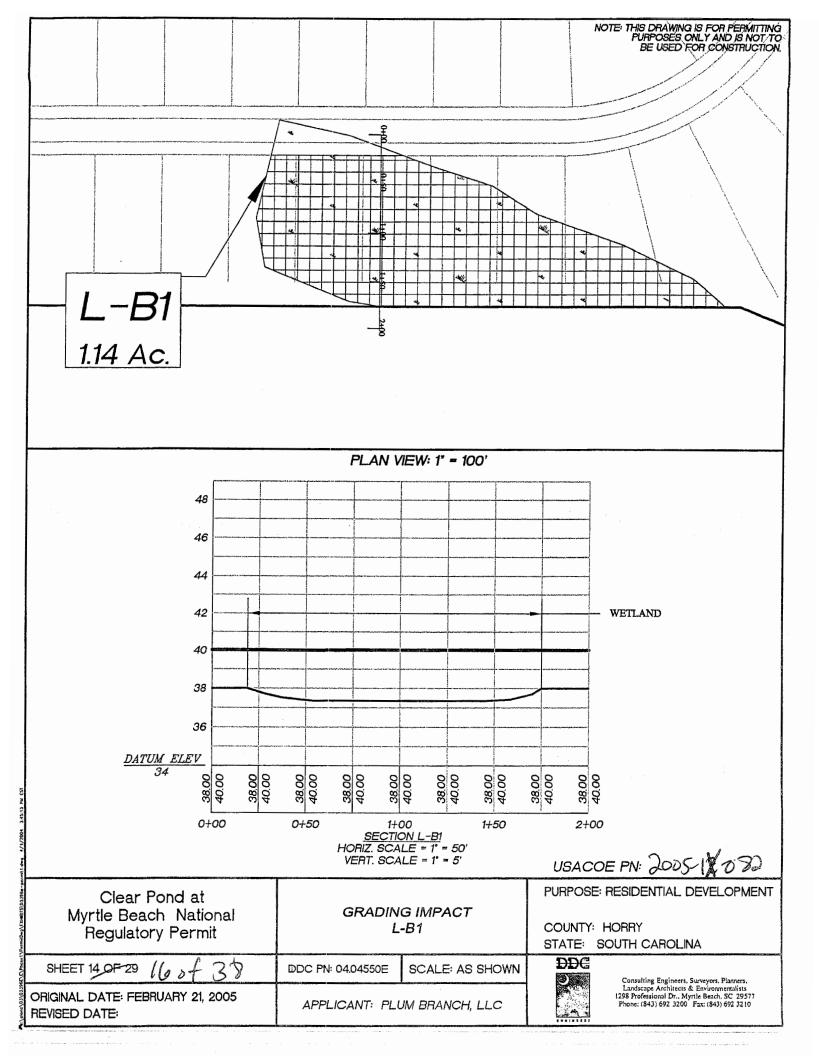


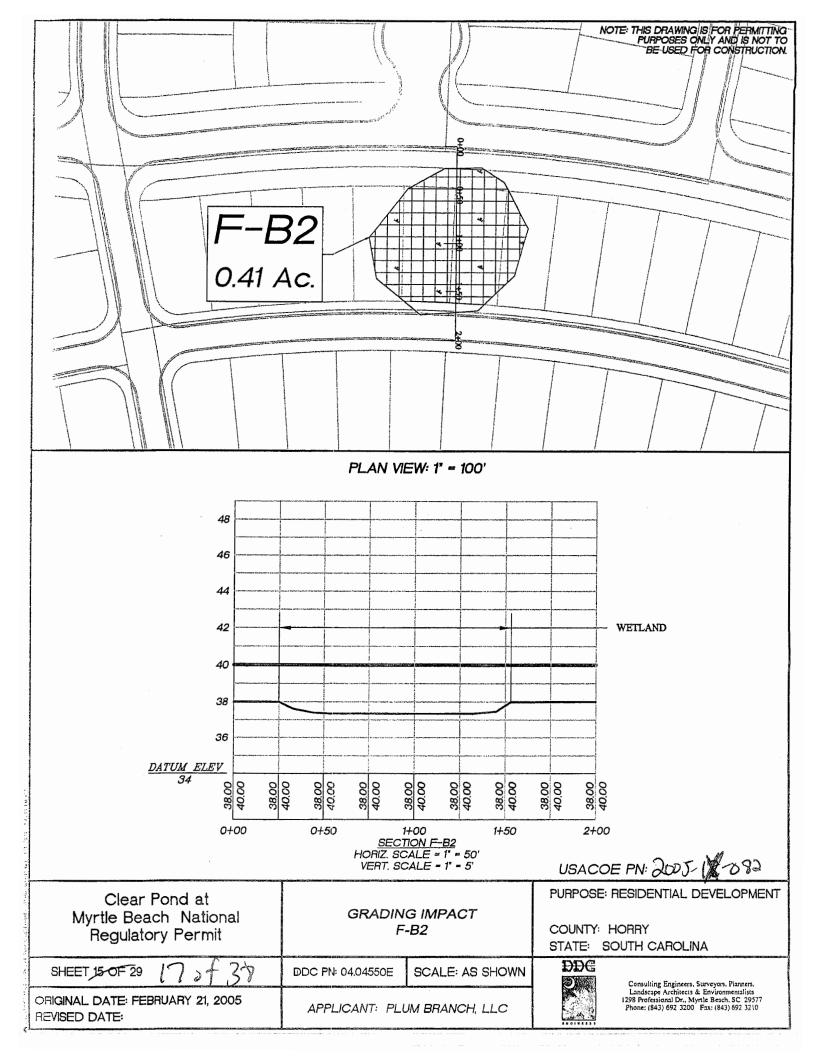


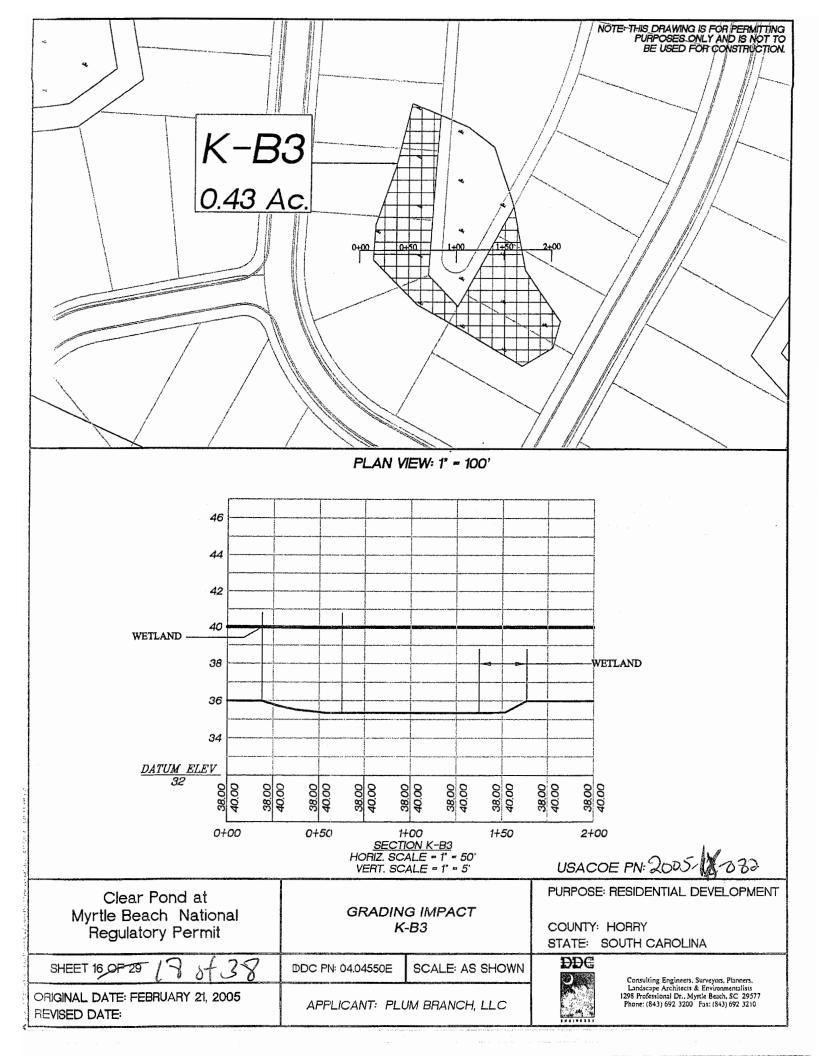


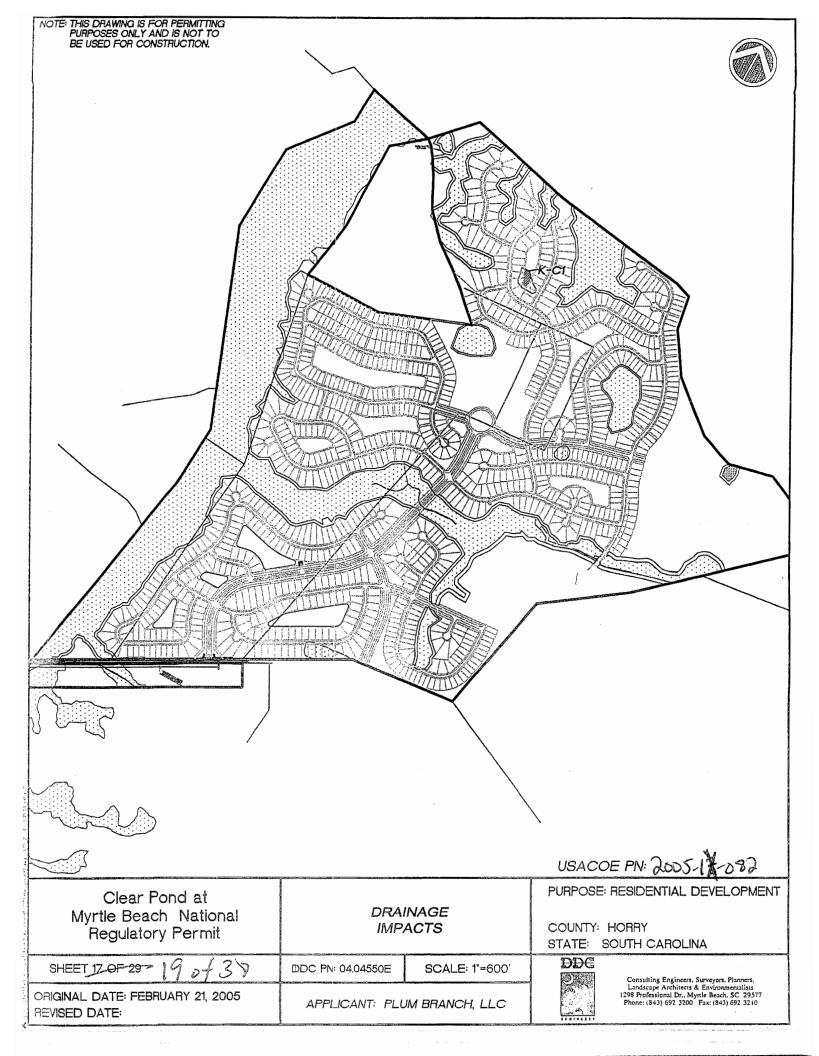


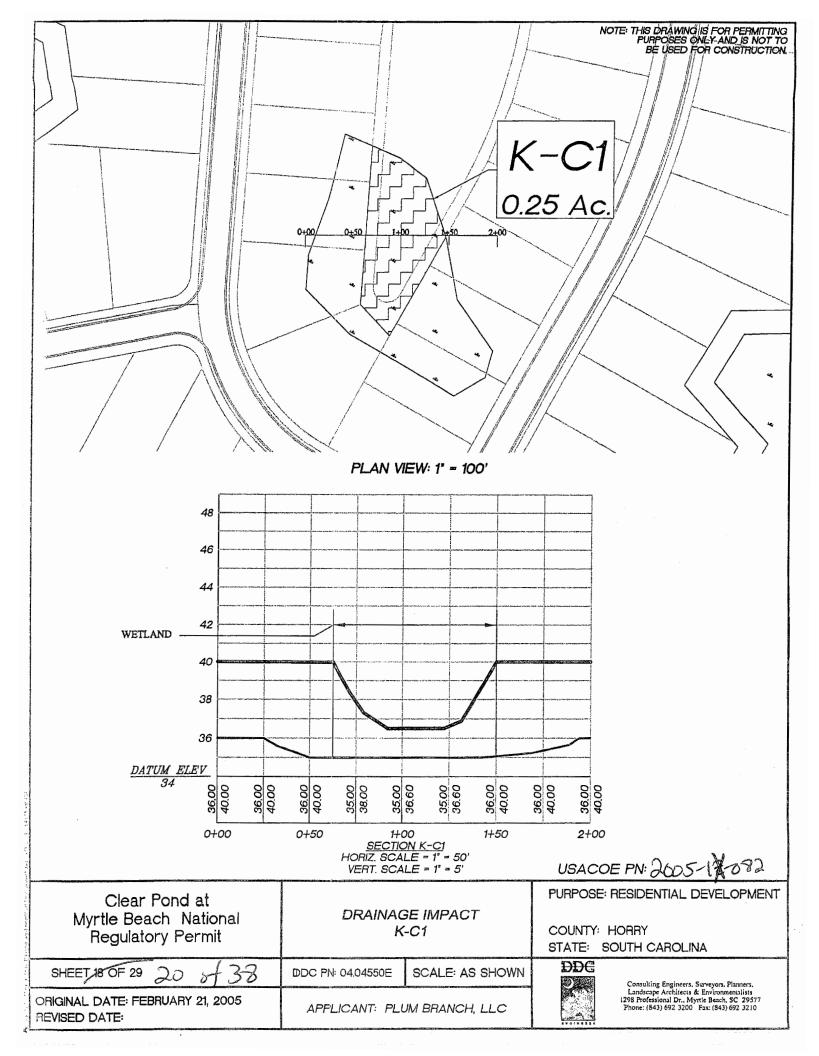






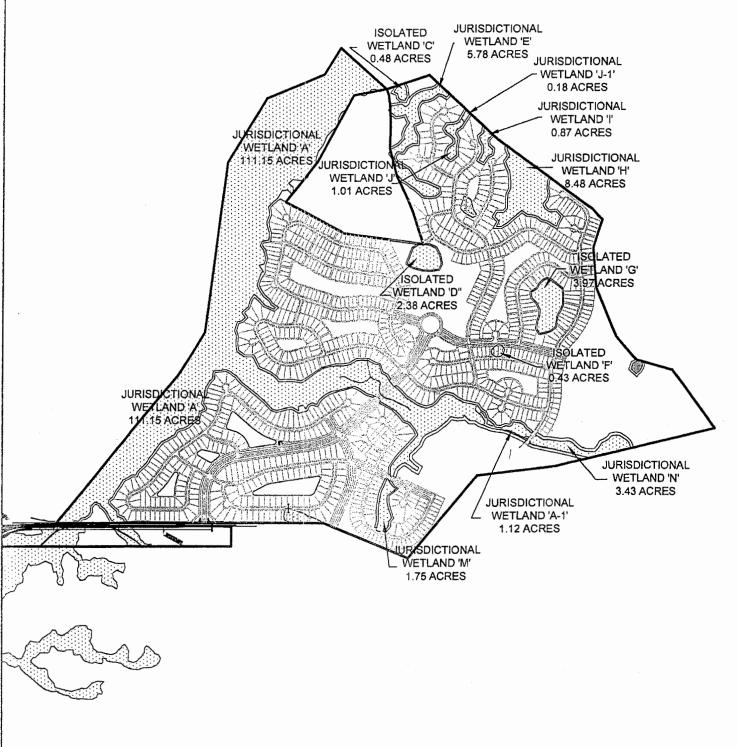




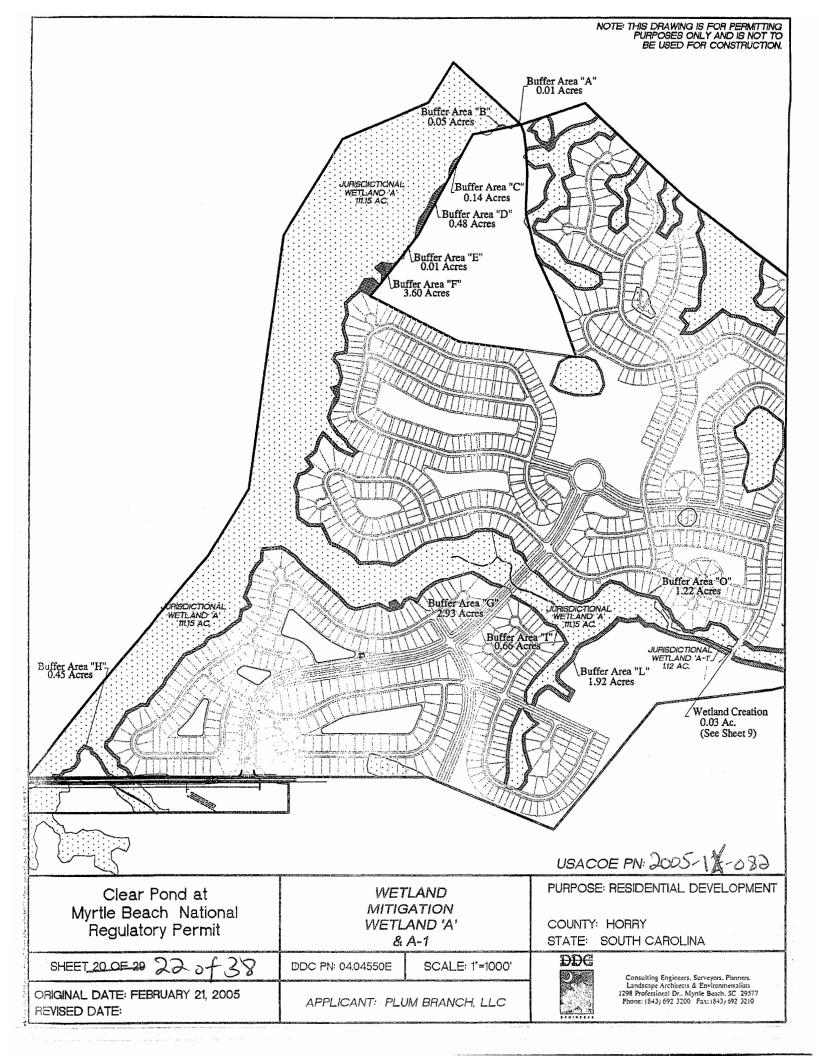


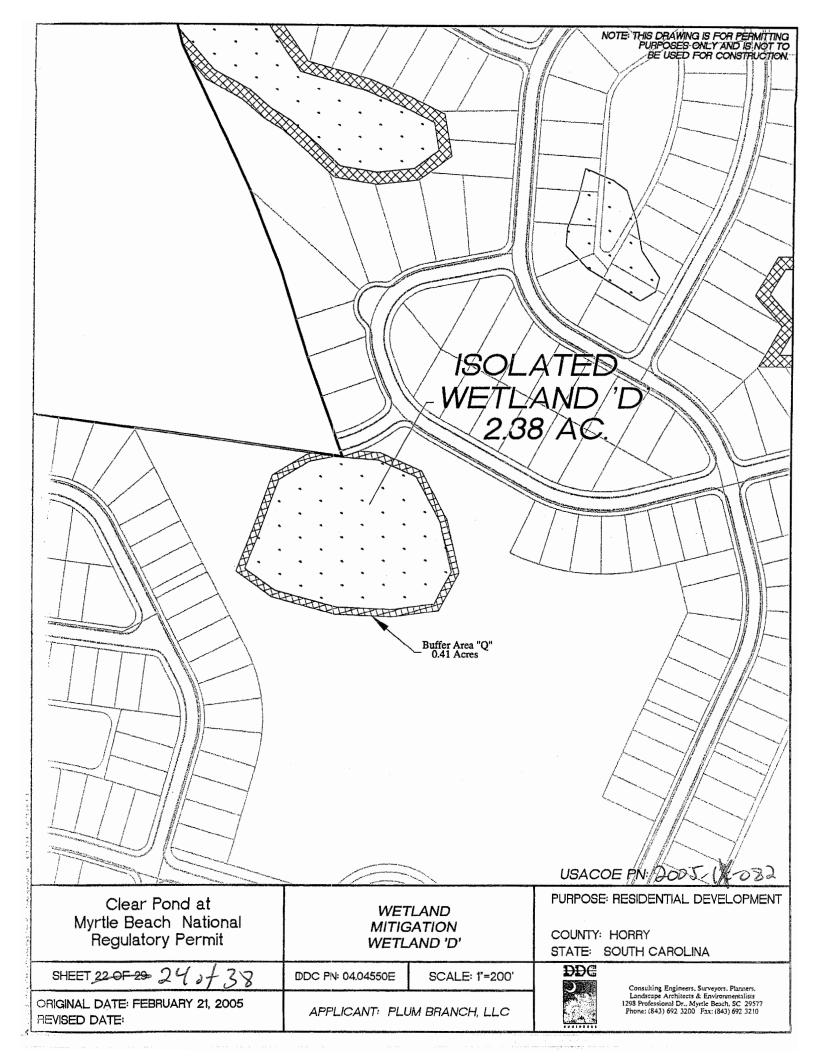
USACOE PN: 2005-14-072

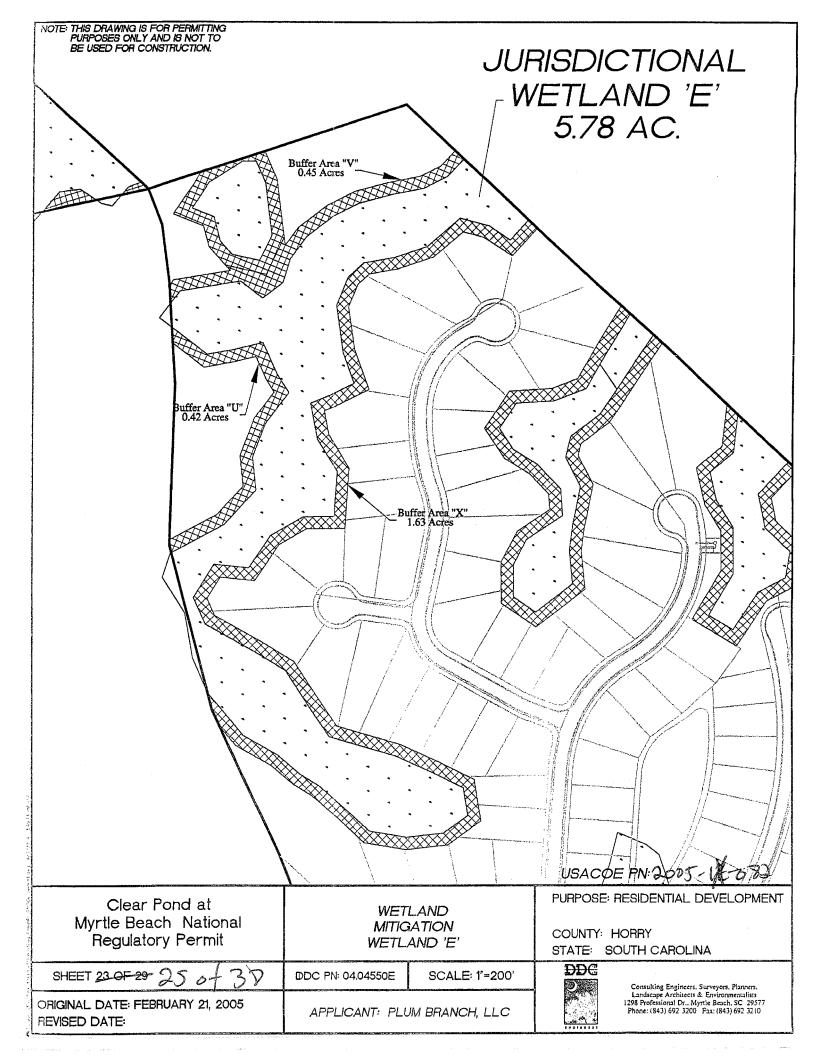


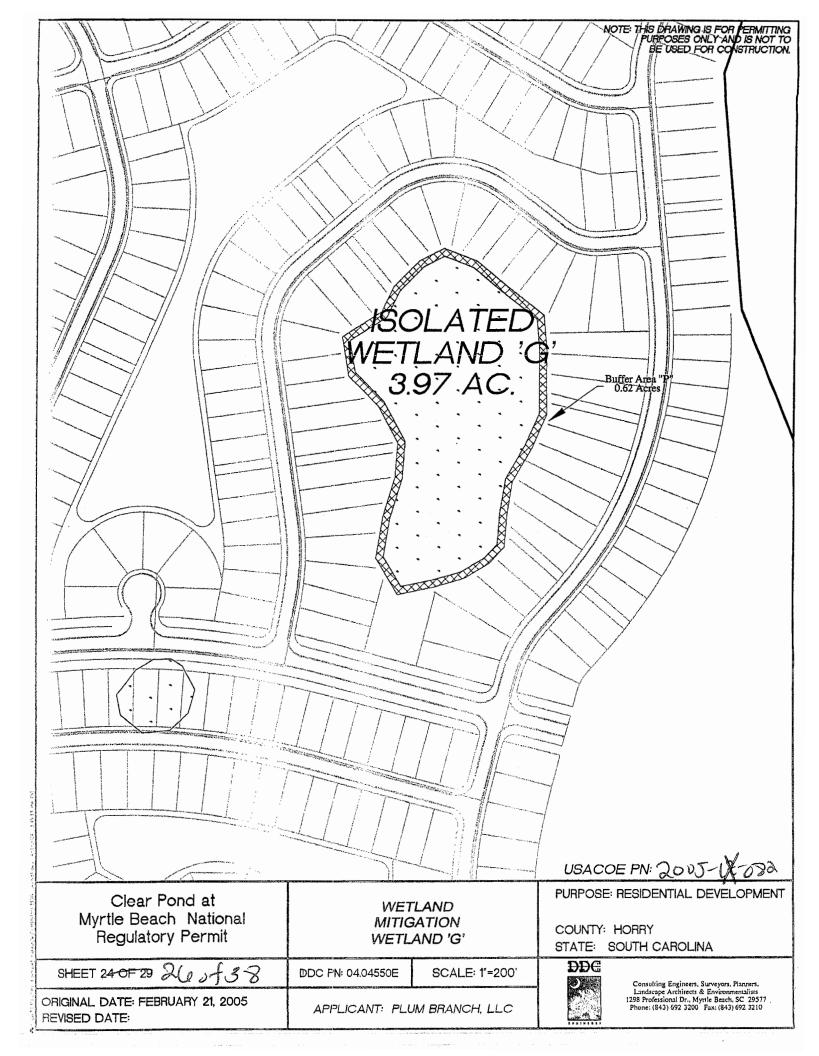


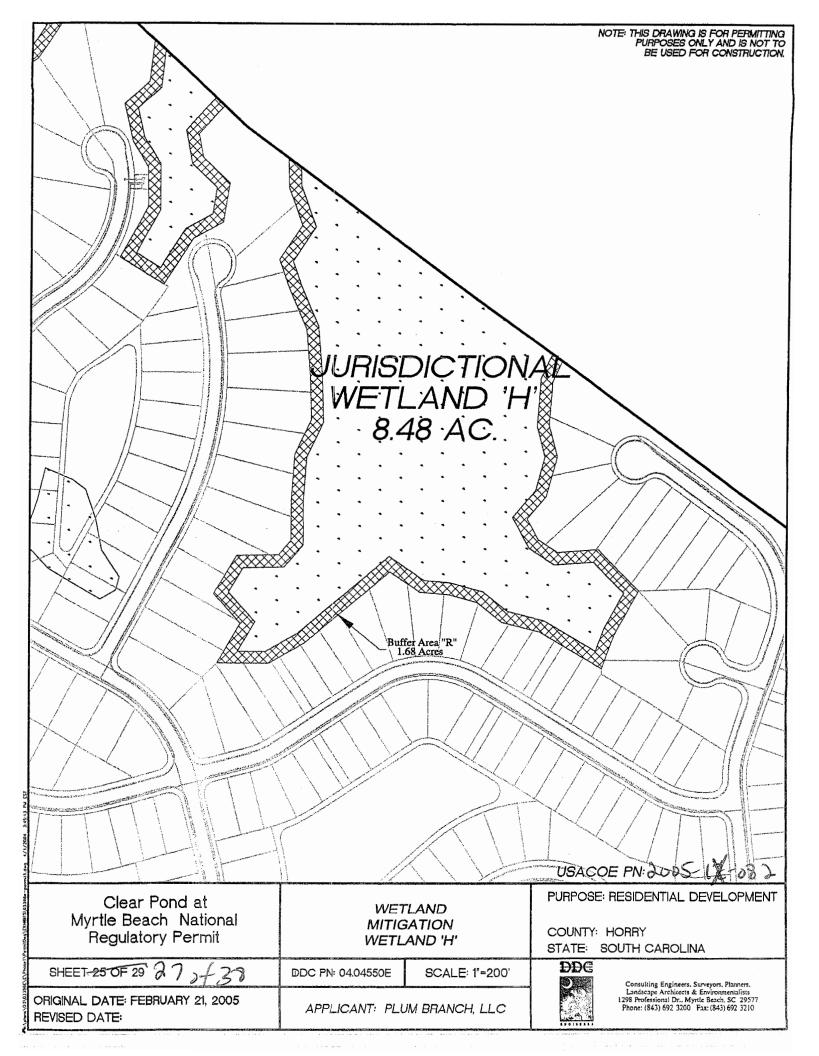
Clear Pond at Myrtle Beach National Regulatory Permit	MITIG	LAND SATION AN	COUNTY:	RESIDENTIAL DEVELOPMENT HORRY SOUTH CAROLINA
SHEET-10-0F-29 21 of 37	DDC PN: 04.04550E	SCALE: 1"=1000'	DDC	Consulting Engineers, Surveyors, Planners,
ORIGINAL DATE: FEBRUARY 21, 2005 REVISED DATE:	APP <b>L</b> ICANT: PLU	IM BRANCH, LLC		Landscape Architects & Environmentalists 1298 Professional Dr., Myrtle Beach, SC 29577 Phone: (843) 692 3200 Fax: (843) 692 3210

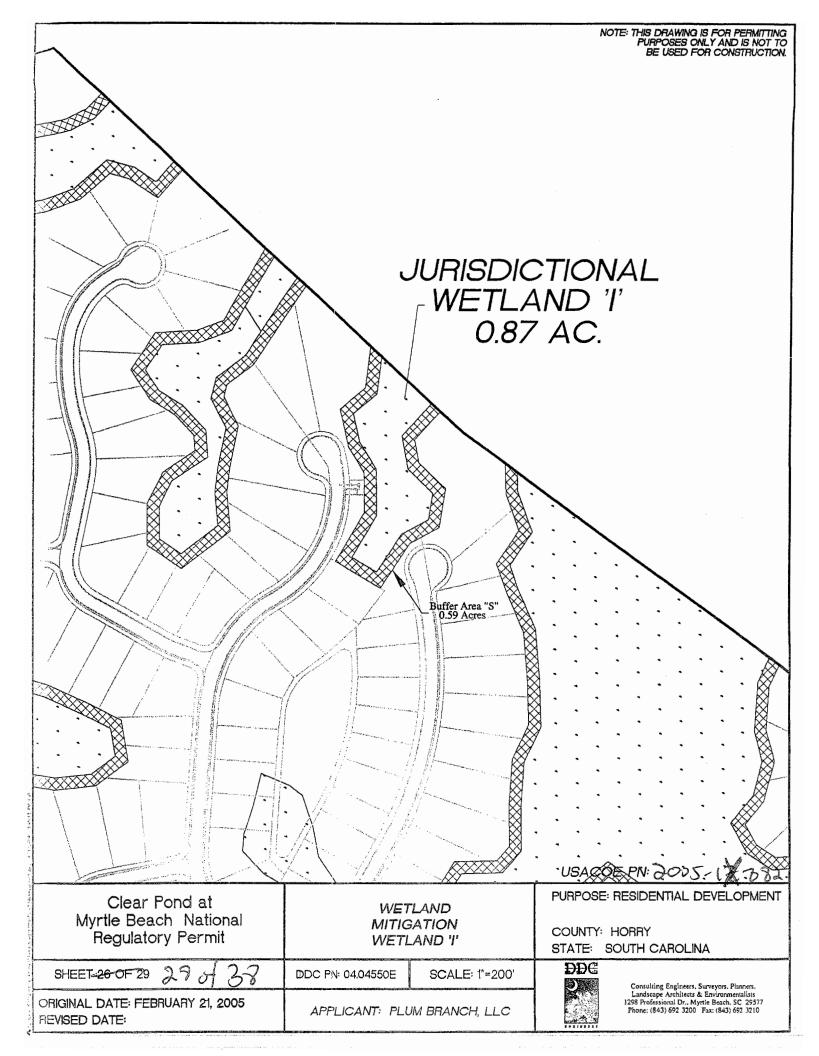


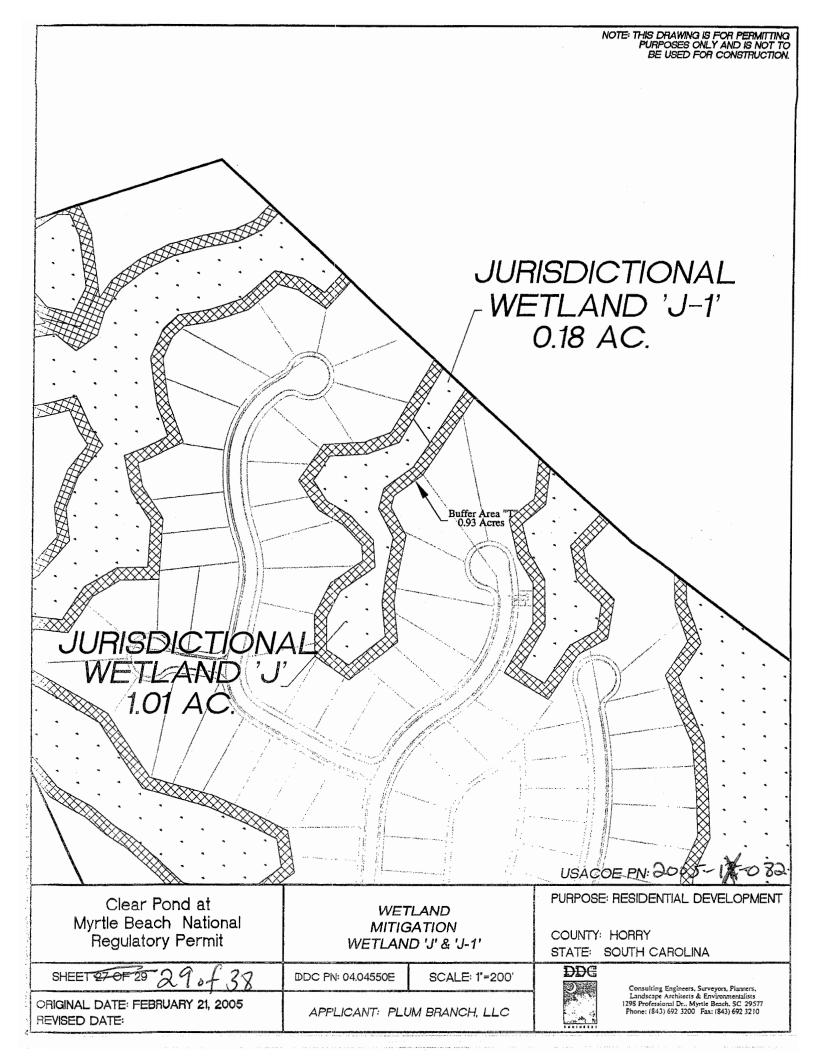


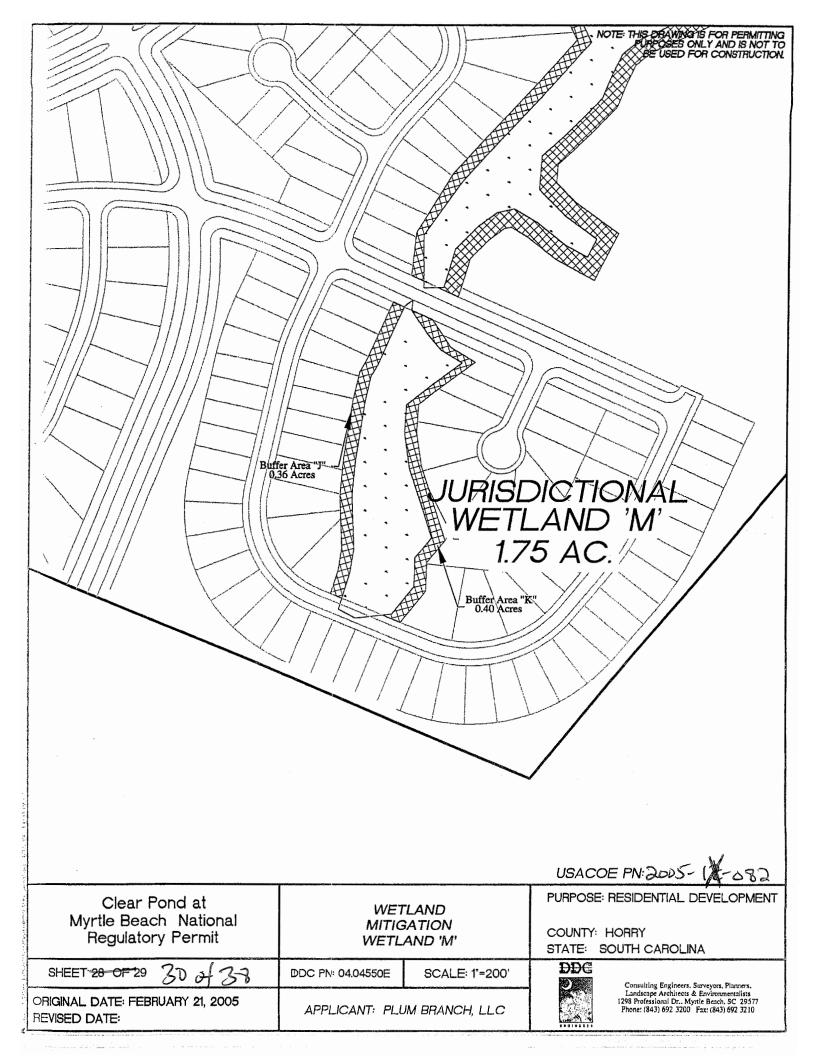


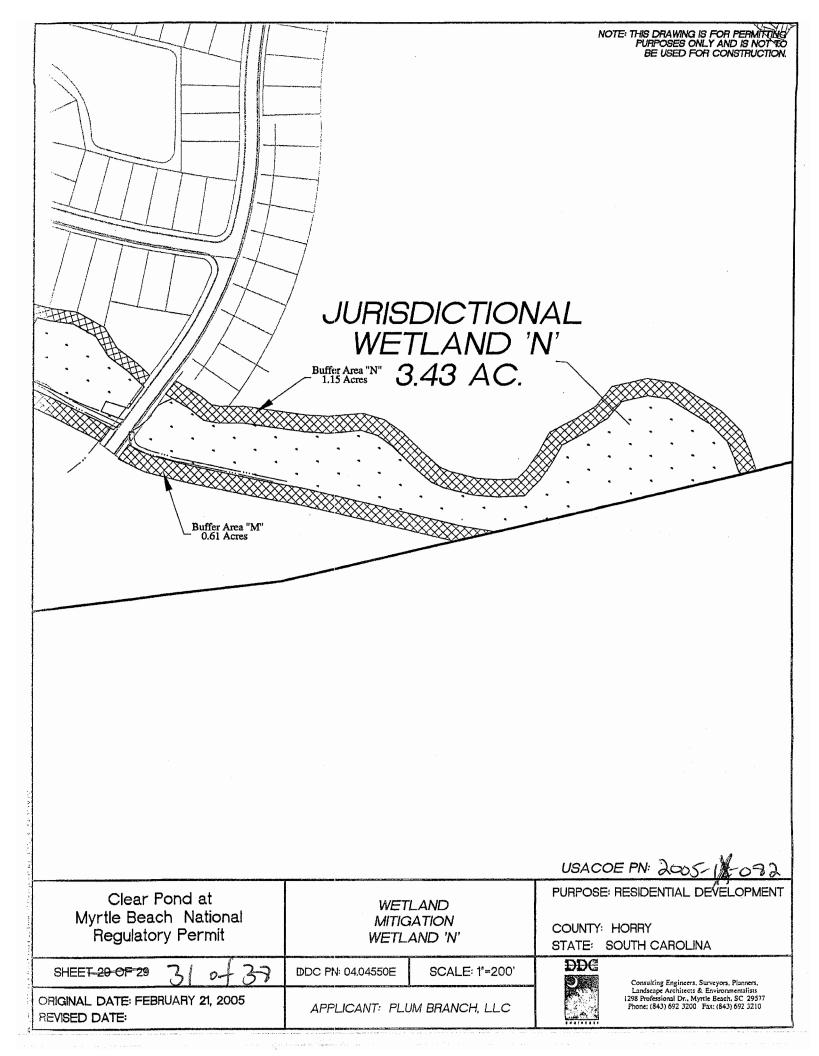












ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

Factors		Options									
Lost Type	Туре С				Type B				Type A		
		0.2				2	.0		3.0		
Priority Category	T	ertiary	/			Seco	ndary		Primary		
		0.5				1	.5		2.0		
Existing Condition	Very Impai	red		Imp	paired Slightly Imp		Impaired	Fı	ully Functional		
	0.1			1	0		:	2.0	2.5		
Duration	Seasonal	0 t	o 1	1	to 3		3 to 5	5 to 10		Over 10	
	0.1	0	.2	(	0.5		1.0	1.5		2.0	
Dominant Impact	Shade	Cl	ear	Dr	edge	]	Drain	Impound	i	Fill	
	0.2	1.	.0		1.5 2.0		2.5		3.0		
Cumulative Impact	0.05 x \( \sum_{\text{AA}_i} \)										

<u>Note</u>: For the Cumulative Impact factor,  $\sum AA_i$  stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.

Required Mitigation Credits Sample Worksheet

		Tan ou mandagette				
Factor	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Lost Type	3.0					
Priority Category	0.5					
Existing Condition	2.0					
Duration	2.0					
Dominant Impact	3.0					
Cumulative Impact	0.07					
Sum of r Factors	$R_1 = 10.6$	R <sub>2</sub> =	R <sub>3</sub> =	R <sub>4</sub> =	R <sub>5</sub> =	R <sub>6</sub> =
Impacted Area	$AA_1 = 2.5$	AA <sub>2</sub> =	AA <sub>3</sub> =	AA <sub>4</sub> =	AA <sub>5</sub> =	AA <sub>6</sub> =
R x AA	15.9					

Total Required Credits =  $\Sigma$  (R x AA) = 15.9

December 12, 2003

USACOE P/N: 2025-13-070

DDC P/N 04.04550E 32 of 38

# CREATION MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

			~~~	CLU PALY						
Factors		Options								
Vegetation	N.A.		Natural				F	Planted		
	0				0.1					0.4
Soil	N.A.		U.S	S.S.	T		T.S.S.		T	E.S.S.
	0		0	)	İ		0.1			0.4
Control	N.A.	Cov	enant/		Covena	nt	Conse	vation	T	ransfer Fee Title
		Pri	Private POA Easement 0 0.1 0.2		Ease	ement		Conservancy		
	0					0.3				
Temporal Lag	Over 20		10	to 20			5 to 1	0		0 to 5
	-0.3			-0.2			-0.1			0
Credit Schedule	Schedule 5	7	Schedule 4		Sched	ule 3	Scl	nedule 2		Schedule 1
	0		0.1		0.2	2		0.3		0.4
Kind	Category 5		Category 4		Catego	огу 3	Ca	tegory 2		Category 1
	0.1		0.2 0.3		3	0.4			0.5	
Location	Zone 5		Zone 4 Zone 3		e 3	Zone 2			Zone 1	
	0.1		0.2		0.3	.3 0.4		0.4		0.5

N.A. = Not Applicable

Proposed Creation Mitigation Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Vegetation	0.1				
Soil	0.4				
Control	0.1				
Temporal Lag	0				
Credit Schedule	0.3				
Kind	0.5				
Location	0.5				
Sum of m Factors	$M_1 = 1.9$	M <sub>2</sub> =	M <sub>3</sub> =	M <sub>4</sub> =	M <sub>5</sub> =
Mitigation Area	$A_1 = 0.03$	A <sub>2</sub> =	A <sub>3</sub> =	A <sub>4</sub> =	$A_5 =$
МхА	0.06				

Total Creation Credits =  $\Sigma$  (M x A) = 0.06

December 12, 2003

33 of 37

USACOE PN: 2005-14-072

# RESTORATION AND ENHANCEMENT MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

Factors		Options						
Net Improvements	Minimal Enhan	cement	Excellent	Restoration				
Control	N.A. 0	Covenant Private 0.1	Covenant POA 0.2	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6			
Temporal Lag	N.A.* 0	Over 20 -0.3	10 to 20 -0.2	5 to 10 -0.1	0 to 5			
Credit Schedule	Schedule 5*	Schedule 4 0.1	Schedule 3 0.2	Schedule 2 0.3	Schedule 1 0.4			
Kind	Category 5 -0.1	Category 4 0	Category 3 0.2	Category 2 0.3	Category 1 0.4			
Location	Zone 5 -0.1	Zone 4 0	Zone 3 0.2	Zone 2 0.3	Zone 1 0.4			

N.A. = Not Applicable

### PROPOSED RESTORATION OR ENHANCEMENT MITIGATION SAMPLE WORKSHEET

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Net Improvement	0.1				
Control	0.2				
Temporal Lag	0				
Credit Schedule	0				
Kind	0				
Location	0.4				
Sum of m Factors	$M_1 = 0.7$	M <sub>2</sub> =	M <sub>3</sub> =	M <sub>4</sub> =	<b>M</b> <sub>5</sub> =
Mitigation Factors	$A_1 = 19.7$	A <sub>2</sub> =	A <sub>3</sub> =	<b>A</b> <sub>4</sub> =	A <sub>5</sub> =
MxA	13.8				

Total Restoration/Enhancement Credits=  $\Sigma$  (M x A) =

13.8

December 12, 2003

34 st 38

USACOE PN: 2005-14082

DDC P/N 04.04550E

<sup>\*</sup>Use this option to calculate credits for enhancement by buffering

### PRESERVATION MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

EACLUDING STREAMS										
Factors		Options								
Priority Category	Tertiary			Second	lary		Primary			
	0.1		ĺ	0.2				0.	.4	
Existing Condition	Impaired			Slightly Ir	npaired		Fu	lly Fu	ınctional	
	-0.1			0				0.	.1	
Degree of Threat	Low		Moderate					Hi	High	
	-0.1		0.1			0.2				
Control	Covenant		Covenant		Conserva		ation	Tra	nsfer Fee Title	
	Private		POA	POA Eas		Easement		C	Conservancy	
	0		0.1			0.4			0.6	
Kind	Category 5	Catego	ry 4	Categ	ory 3		Category 2		Category 1	
	-0.1	0	0		.1	0.2			0.3	
Location	Zone 5	Zone	4	Zor	ne 3	Zone 2			Zone 1	
	-0.1	0		0.	. 1	0.2			0.3	

Note: Preservation credit should generally be limited to those areas that qualify as Fully Functional or Slightly Impaired. Impaired sites should be candidates for enhancement or restoration credit, not preservation credit. In special circumstances when Impaired sites are allowed preservation credit (e.g. within the scope of some OCRM wetland master planned projects), a negative factor will be used to calculate credits as per the matrix table.

Proposed Preservation Mitigation Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Priority Category	0.1				
Existing Condition	0				
Degree of Threat	0.1				
Control	0.1				
Kind	0.3				
Location	0.3				
Sum of m Factors	$M_1 = 0.9$	M <sub>2</sub> =	M <sub>3</sub> =	M <sub>4</sub> =	M <sub>5</sub> =
Mitigation Area	$A_1 = 113.4$	A <sub>2</sub> =	A <sub>3</sub> =	A <sub>4</sub> =	A <sub>5</sub> =
M x A =	102.1				

Total Preservation Credits =  $\sum (M \times A) =$ 102.1

December 12, 2003

35 of 38

USACOE PN: 200517082

The Total Mitigation Credits (Row R) should be equal to or greater than the total Required Mitigation Credits (Row A) for the proposed mitigation to be acceptable. The other requirements given in the SOP must also be satisfied, e.g., in the credits column, Row O must equal at least 50% of Row A and the addition of Row P and Row Q must equal at least 25% of Row A. If the answer to any of the questions below is no, then the proposed mix and/or quantity of mitigation is not in compliance with the policy and the plan should be revised or rejected, unless a variance is approved.

	Yes	No
PMC ≥ RMC		
or in words	X	
Are the credits in Row R greater than or equal to Row A?		
PMC <sub>Non-Preservation</sub> ≥ ½ RMC		
or in words	X	
Are the credits in Row O greater than or equal to 50% of Row A?		
PMC <sub>Creation</sub> + Restoration/Enhancement (Non-Buffer Enhancement) ≥ ½ RMC		
or in words	X	
Are the credits in Row P plus the credits in Row O greater than or equal to 25% of Row A?		

December 12, 2003

36 of 38

USACOE PN: 2005-12-072

# WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS Mitigation Summary Worksheet for Permit Application #\_\_\_\_\_

### I. Required Mitigation

Α.	Total Required Mitigation Credits = $15.9 (50\% = 8.0, 25\% = 4.0)$	
71.	Total Required Wild Batton Credits 13.5 (3070 0.0, 2570 4.0)	

II.	Non-Banking Mitigation Credit Summary	Credits	Acres
B.	Creation	0.06	0.01
C.	Restoration and/or Enhancement (Non-Buffer Enhancement)	0	0
D.	Restoration and/or Enhancement (Buffer Enhancement)	13.8	19.7
E.	Total No Net Loss Non-Bank Mitigation = B + C + D	13.9	19.7
F.	Preservation	102.1	113.4
G.	Total Proposed Non-Bank Mitigation = E + F	116.0	133.1

III.	Banking Mitigation Credit Summary	Credits	Acres
H.	Creation		
I.	Restoration and/or Enhancement (Non-Buffer Enhancement)		
J.	Restoration and/or Enhancement (Buffer Enhancement)		
K.	Total No Net Loss Non-Bank Mitigation = H + I + J		
L.	Preservation		
M.	Total Proposed Non-Bank Mitigation = K + L		

IV.	Grand Totals	Credits	Acres
N.	Total Preservation Mitigation = F + L	102.1	113.4
O.	Total Non-Preservation Mitigation = E + K	13.9	19.7
P.	Total Creation = $B + H$	0.06	0.01
Q.	Total Restoration and/or Enhancement (Non-Buffer Enhancement = C + I		
R.	Total Proposed Mitigation = $G + M$	116.0	133.1

December 12, 2003

37 of 37

USACOE PN: 2005-18-022

